

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 1899 of 2005**

Between:

K.Bala Narsi Reddy, s/o Bala Narsi Reddy,  
r/o Arkatavemula Village, Rajupalem Mandal, Kadapa District.

**..... PETITIONER**

AND

- 1 The Revenue Divisional Officer, Jammalamadugu, Kadapa District.
- 2 The Mandal Revenue Officer, Rajupalem Mandal, Kadapa District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari, calling for records in and relating to the proceedings of the 1st respondent Ref.B/1487/2004, dated 13-12-2004 and quash the same by holding that the proceedings are illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to continue the petitioner as F.P.Shop Dealer of Arkatavemula village of Rajupalem Mandal, Kadapa District.

**Counsel for the Petitioner:MR.K.SITA RAM**

**Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES**

**The Court at the admission stage made the following :**

**ORDER:**

The authorization of the petitioner as a fair price shop dealer for Arkatavemula

Village of Rajupalem Mandal, Kadapa district was suspended by the 1<sup>st</sup> respondent through his order, dated 13.12.2004. The petitioner challenges the same. According to him, the charges or the allegations, which constituted the basis for suspension, are trivial in nature and that though more than two months have elapsed, the 1<sup>st</sup> respondent has not even issued a show cause notice, much less concluded the proceedings. The petitioner submits that the impugned order cannot be sustained.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The authorization of the petitioner as a fair price shop dealer was suspended pending enquiry. By its very nature, it is not required to be preceded by a show cause notice. The truth or otherwise of the allegations against the petitioner needs to be examined, after a show cause notice is issued and the explanation that may be submitted by the petitioner is considered. At this stage, it is not permissible to record any findings on the allegations against the petitioner.

It is true that continuation of suspension pending enquiry for a long period tends to become a substantive penalty by itself. The 1<sup>st</sup> respondent acted on the basis of a report, dated 13.12.2004 said to have been submitted by the 2<sup>nd</sup> respondent, and suspended the authorization of the petitioner. The urgency which is felt in suspending the authorization of the petitioner needs to be exhibited in the matter of issuance of show cause notice and taking further steps also. Otherwise, the proceedings become tainted with *mala fides* or arbitrariness.

For the foregoing reasons, the writ petition is disposed of, directing that the 1<sup>st</sup> respondent shall issue a show cause notice to the petitioner and conclude the proceedings against the petitioner, within six weeks from the date of receipt of this order. In case he fails to do so, the order of suspension, dated 13.12.2004 shall cease to be operative and the petitioner shall be entitled to function as dealer, without prejudice to the right of the 1<sup>st</sup> respondent to pass appropriate orders thereafter. There shall be no order as to costs.

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08.02.2005

Note: Issue C.C. by 11.02.2005

(B/o)

**Jsu**

To

1 The Revenue Divisional Officer, Jammalamadugu, Kadapa District.

2 The Mandal Revenue Officer, Rajupalem Mandal, Kadapa District.

3 Two C.Cs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT).

4 2 CD copies.